

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	OSAB 2002-32
)	OSHCO ID M0685
DIRECTOR, DEPARTMENT OF LABOR)	Inspection No. 305302457
AND INDUSTRIAL RELATIONS,)	
)	ORDER NO. 18
Complainant,)	
)	PRETRIAL ORDER
vs.)	
)	
SUNRISE CONSTRUCTION, INC.,)	
)	
Respondent.)	

PRETRIAL ORDER

Pursuant to the representations of Complainant DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS' (Director) counsel and Respondent SUNRISE CONSTRUCTION, INC.'s (SUNRISE) representative at the initial conference held on November 4, 2002, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - (a) Whether the Director properly applied the 29 CFR 1926.302(b)(1) standard for pneumatic power tools as described in Citation 1, Item 1, issued on September 12, 2002?
 - (b) Whether the characterization of the violation as "serious" and the penalty of \$700.00 are appropriate?
2. Discovery deadlines are:

Designation of live witnesses and exchange of expert reports	January 28, 2003
Discovery cut-off	February 28, 2003
3. A Settlement Conference is scheduled on March 15, 2003 at 9:30 a.m. in the Hawaii Labor Relations Board's (Board) hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

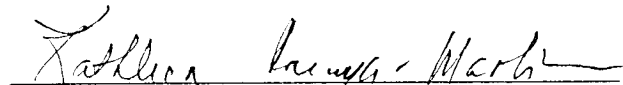
4. Trial is scheduled on March 24, 2003 at 9:30 a.m. in the above-referenced hearing room.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, November 6, 2002.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Robyn M. Kuwabe, Deputy Attorney General
Marcus Gillespie